

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL A. RATAJ,

Defendant.

Case No. 10-12941

Honorable John Corbett O'Meara

**ORDER DENYING
GOVERNMENT'S JUNE 6, 2011 MOTION FOR SUMMARY JUDGMENT**

This matter came before the court on the government's June 6, 2011 motion for summary judgment. Defendant Michael A. Rataj filed a response June 24, 2011; and the government filed a reply July 15, 2011. Pursuant to LR 7.1(f)(2), no oral argument was heard.

This is an action for recovery of a student loan. The government alleges that defendant Rataj signed a promissory note to borrow \$26,303.20 from the Michigan Direct Student Loan Program on January 8, 1990. The loan was ultimately insured by the United States Department of Education.

The government alleges that "[a]s a result of accruing interest and lack of payment in full[,] \$37,814.22 was owed as of February 15, 2010." Plaintiff's br. at 2. The government further contends that "[i]nterest is accruing on the unpaid portion of this student loan debt at the rate of 9.00% and a daily rate of \$6.47 per day." *Id.*

Attached to Defendant's response brief are exhibits showing that he has made payments on the loan. The amount remaining, however, is a question of fact. Accordingly, the court must deny the government's motion for summary judgment.

ORDER

It is hereby **ORDERED** that the government's June 6, 2011 motion for summary judgment is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: July 28, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 28, 2011, using the ECF system.

s/William Barkholz
Case Manager